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13
 14 **IN THE UNITED STATES DISTRICT COURT**
 15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

16 ABANTE ROOTER &
 17 PLUMBING, individually and on
 18 behalf of all others similarly
 19 situated,

20 Plaintiff,

21 v.

22 SEARS BRAND, LLC, d/b/a
 23 SEARS HOME IMPROVEMENT
 24 d/b/a SEARS HOME SERVICES,

25 Defendant.

16 **Case No.: 4:17-cv-3312-JSW**

17
 18 **STIPULATION FOR**
 19 **DISMISSAL OF ACTION WITH**
 20 **PREJUDICE AS TO THE**
 21 **NAMED PLAINTIFF AND**
 22 **WITHOUT PREJUDICE AS TO**
 23 **THE PUTATIVE CLASS**

24
 25 **HON. JEFFREY S. WHITE**

1
 2 Plaintiff ABANTE ROOTER & PLUMBING (“Plaintiff”) and defendant,
 3 SEARS BRANDS, LLC¹ d/b/a SEARS HOME IMPROVEMENT d/b/a SEARS
 4 HOME SERVICES (“Defendant”), hereby stipulate and jointly move to dismiss the
 5 above entitled action with prejudice as to the named Plaintiff and without prejudice
 6 as to the Putative Class, pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii),
 7 each party shall bear its own costs. The notice and approval requirements of
 8 Federal Rule of Civil Procedure 23(e) are inapplicable to the parties’ settlement and
 9 dismissal of this Putative Class action because this action has not been certified as a
 10 class.

11 WHEREFORE, the parties respectfully stipulate and request that this Court
 12 dismiss this action with prejudice as to the named Plaintiff, and without prejudice
 13 as to the Putative Class. This Court retains jurisdiction to enforce the settlement of
 14 this action.

15 Dated: November 30, 2017

HYDE & SWIGART APC

16 By: s/Yana A. Hart, Esq.
 17 Yana A. Hart
 18 *Attorney for Plaintiff*

19
 20 **BAKER & HOSTELER LLP**

21 Dated: November 30, 2017

22 By: s/Teresa C. Chow
 23 Teresa C. Chow
 24 *Attorney for Defendant*

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 28 ¹ Plaintiff erroneously named Defendant in the lawsuit as Sears Brand, LLC.

Signature Certification

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Teresa C. Chow, counsel for the Defendant, and that I have obtained her authorization to affix her electronic signature to this document.

Dated: November 30, 2017

HYDE & SWIGART APC

By: s/Yana A. Hart, Esq.

Yana A. Hart

Attorney for Plaintiff

HYDE & SWIGART
San Diego, California

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ABANTE ROOTER &
PLUMBING, individually and on
behalf of all others similarly
situated,

Case No.: 4:17-cv-3312-JSW

[PROPOSED] ORDER

Plaintiff

V.

SEARS BRAND, LLC, d/b/a
SEARS HOME IMPROVEMENT
d/b/a SEARS HOME SERVICES.

Defendant.

Having considered the Parties' Stipulation, and for good cause being shown:
IT IS HEREBY ORDERED THAT this action is dismissed with prejudice as to the named Plaintiff, and without prejudice as to the Putative Class. This Court retains jurisdiction to enforce the settlement of this action.

HON. JEFFREY S. WHITE
U.S. District Judge